

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Demarea Demond Carey

Date of Original Judgment: 10/06/2022

Date of Previous Amended Judgment: 10/24/2022

(Use Date of Last Amended Judgment if Any)

Case No: 5:20-CR-00053-001

USM No: 56356-509

Catherine Williams

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2) (Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 75 months is reduced to 68 months.

Demarea Demond Carey was originally sentenced on September 23, 2022, to a term of 75 months imprisonment to be followed by a three-year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Methamphetamine. Based on a Total Offense Level 31 and a Criminal History Category III, the guideline imprisonment range was 135 to 168 months. The sentence imposed was based on a USSG §5K1.1 departure.

Based on retroactive Amendment 821, Part A to the United States Sentencing Guidelines, defendants with fewer than seven criminal history points do not receive any additional points for being under a criminal justice sentence pursuant to the newly created USSG §4A1.1(e). In this case, the defendant does not receive any additional points under USSG §4A1.1(e) since prior to the application of this guideline his criminal history subtotal was three. Therefore, a total of three criminal history points would yield a Criminal History Category II, if granted by the Court. A Total Offense Level 31 with a Criminal History Category II yields an advisory sentencing range of 121 to 151 months.

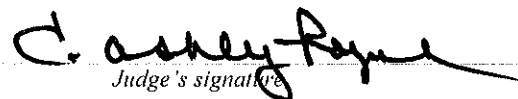
Carey originally received a significant benefit from a motion filed by the government for a Downward Departure for Substantial Assistance, pursuant to USSG §5K1.1. A comparable departure from the amended guideline sentencing range would result in a sentence of 68 months imprisonment. The government agrees the defendant is eligible for relief and the comparable departure to a 68-month sentence is appropriate. Therefore, the Court grants the sentence reduction, and the new imprisonment sentence imposed would be reduced to 68 months.

Except as otherwise provided, all provisions of the judgment dated 10/24/2022 shall remain in effect.

IT IS SO ORDERED.

Order Date:

5/15/24



Judge's signature

Effective Date:

(if different from order date)

C. Ashley Royal, Senior U.S. District Judge

Printed name and title